

Amendment No. 1 to SB2523

Tracy
Signature of Sponsor

AMEND Senate Bill No. 2523

House Bill No. 2544*

by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-8-152, is amended by adding a new subsection thereto, as follows:

(i)

(1) Any person who operates or drives a motor vehicle upon any highway or public road of this state more than twenty-five miles per hour (25 mph) over the posted speed limit shall commit the offense of super speeding. An officer may elect to issue a citation for super speeding for operating or driving a motor vehicle more than twenty-five miles per hour (25 mph) or, based upon the totality of the conduct, may elect to issue a citation for reckless driving as provided in Section 55-8-152 or 55-10-205, but both offenses shall be not be charged for the same conduct

(2) The offense of super speeding shall be considered separately from any other offense such conduct may constitute. Nothing in this subsection (i) shall be construed as prohibiting the prosecution and conviction of a person for any other offense committed by the person in addition to the offense under this subsection (i). Provided, a person shall not be prosecuted or convicted for the offense of super speeding and for violating Sections 55-8-152(a), (c) or (f)(1), relative to speeding, or for reckless driving, as provided in Section 55-10-205 or 55-8-152(d), based upon the same conduct.

(3) A violation of this subsection (i) is a Class B misdemeanor punishable by a fine only of not less than two hundred dollars (\$200) nor more than five hundred dollars (\$500). Twenty dollars (\$20.00) from the proceeds of each fine imposed by this subsection (i) shall be deposited in the general fund. One-half (1/2) of the remaining proceeds of each fine shall be allocated to the department of safety to be used for the operation and maintenance of the Tennessee Integrated Traffic Analysis Network (TITAN). The remaining one-half (1/2) of the proceeds from such fine shall be deposited in the trauma system fund created by the Trauma Center Funding Act of 2007, compiled in title 68, chapter 59. Such funds shall be distributed as required by title 68, chapter 59. This section shall not be construed to affect any fines imposed pursuant to title 68, chapter 55, part 3, relative to the traumatic brain injury fund, or any other fines, costs or taxes.

SECTION 2. This act shall take effect July 1, 2010, the public welfare requiring it.